

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PROKOP LABS LLC, a Washington limited
liability company,

Plaintiff,

v.

STAPLES, INC., a Delaware corporation;
STAPLES THE OFFICE SUPERSTORE LLC, a
Delaware limited liability company; BELKIN,
INC., a Delaware corporation; BELKIN
LOGISTICS, INC., a Delaware corporation; S.P.
RICHARDS CO., a Georgia corporation; and
VELO ENTERPRISE CO., LTD., a Taiwan
corporation,

Defendants.

Case No. 2:07-cv-01094-MJP

**DECLARATION OF BENJAMIN D.
BAILEY OPPOSING CR 37
SUBMISSION**

I, Benjamin D. Bailey, declare as follows:

1. I am an attorney with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP and represent Defendant Velo Enterprise Co., Ltd. ("Velo") in this action. My duties and responsibilities include reviewing and drafting pleadings, communicating with opposing counsel, communicating with Velo's co-defendants, conducting discovery, and handling discovery issues. I make this declaration based on my knowledge and experience with this matter.

1 2. Attached as Exhibit K is a true and correct copy of an email from Kevin Zeck to
2 counsel for Defendants, dated July 9, 2012, forwarding a proposed protective order.

3 3. Attached as Exhibit L is a true and correct copy of an email from Kevin Zeck to
4 Eric Chan, dated August 7, 2012, stating an agreement has been reached as to the terms of the
5 proposed protective order.

6 4. Attached as Exhibit M is a true and correct copy of an email from Kevin Zeck to
7 Eric Chan, dated August 7, 2012, stating an agreement has been reached as to the terms of the
8 proposed protective order and proposing document production begin.

9 5. Attached as Exhibit N is a true and correct copy of a first letter from Kevin Zeck to
10 Ben Bailey, dated August 14, 2012, alleging deficiencies in Velo's document production.

11 6. Attached as Exhibit O is a true and correct copy of a letter from Ben Bailey to
12 Kevin Zeck, dated August 14, 2012, disputing the contentions contained in Kevin Zeck's first
13 letter to Ben Bailey of August 14, 2012 (Ex. R).

14 7. Attached as Exhibit P is a true and correct copy of a second letter from Kevin Zeck
15 to Ben Bailey, dated August 14, 2012, disputing the contentions contained in Ben Bailey's August
16 14th letter to Kevin Zeck.

17 8. Attached as Exhibit Q is a true and correct copy of an email from Kevin Zeck to
18 Defendants, dated August 15, 2012, stating it will begin document production upon receipt of
19 Defendants' written confirmation that an agreement has been reached as to the terms of the
20 protective order.

21 9. Attached as Exhibit R is a chart associating a number of model numbers listed in
22 Exs. D and E of Kevin Zeck's Declaration with Velo product model numbers.

1 DATED this 20th day of August, 2012.

2 By: /s/Benjamin D. Bailey
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14 *Attorneys for Defendant VELO ENTERPRISE*
15 *CO. LTD & Third Party Defendants AIDATA*
16 *USA CO. INC and AIDMA ENTERPRISE CO.*
17 *LTD.*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Declaration of Benjamin D. Bailey Opposing Prokop's Motion to Compel Discovery was served by electronic mail on all counsel of record on the 20th day of August, 2012.

/s/Benjamin D. Bailey
Benjamin D. Bailey